

REMARKS

Summary of Amendments

Claims 25, 27 and 28 are amended to obviate all outstanding grounds of rejection.

Withdrawn claims 1-24 are canceled. Claim 26 is canceled to avoid redundancy. Claims 25 and 27-29 remain pending and are submitted to be in condition for allowance.

The amendment was not made earlier since this is applicants' first opportunity to respond to an indication of non-obvious subject matter.

Rejection under 35 USC 112

Claim 28 was rejected for indefiniteness for failing to identify the weight basis of what. The rejection is obviated by amendment to recite "said grass seeds being present in the article of manufacture in an amount in the range of from 1 to 10 weight percent, based on total weight of the article of manufacture." The limitation is fairly supported by page 14, lines 1-4 of the specification as filed, which states: "The amount of adhesive used can vary, but will generally be in the range of from about 1% to about 10% of the total weight of the pellet, after evaporation of the carrier fluid (generally water). The seeds are adhered to the pellets in approximately the same percentage, based on weight." Reconsideration is requested.

Rejection under 35 USC 102/103

Claims 25 and 27-29 stand rejected for obviousness and/or anticipation by Kazenzadeh 6,009,663. Claim 26 was not subject to the rejection. The rejection is overcome by amending claim 25 to include the limitations of claim 26 and canceling claim 26. Dependent claims 27-29 patentably distinguish due to their dependence ultimately from claim 25. Reconsideration is requested.

Conclusion


In view of the foregoing amendments and remarks, notice of allowance is requested.

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